

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MURIA INTELLECTUAL  
PROPERTY, LLC.,**

Plaintiff,

v.

**WD NAVARRE HOLDINGS, LLC., WD  
ENCORE SOFTWARE, LLC. AND  
NAVARRE DIGITAL SERVICES, INC.**

Defendant.

**Civil Action No.**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Muria Intellectual Property, LLC (“Muria” or “Plaintiff”) makes the following allegations against WD Navarre Holdings, LLC., WD Encore Software, LLC. and Navarre Digital Services, Inc. (“Novarre,” “Encore,” “Novarre Digital,” respectively, collectively “Punch Software” or “Defendants”):

### **PARTIES**

1. Plaintiff Muria is a Pennsylvania limited liability company, with its principal place of business located at 1229 Laurel Oak LN, York, PA 17403.

2. On information and belief, Defendant Navarre is a limited liability company organized under the laws of the State of New York with its principal place of business at 5801 East Taft Rd, N. Syracuse, New York.

3. On information and belief, Defendant Encore, is a limited liability company organized under the laws of Minnesota having its principal place of business at 9700 W. 76<sup>th</sup> Street, Eden Prairie, Minnesota.

4. On information and belief, Defendant Nvarre Digital, is a corporation organized under the laws of Minnesota having its principal place of business at 9700 W. 76<sup>th</sup> Street, Suite 116, Eden Prairie, Minnesota.

### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants, including through their wholly owned subsidiaries have transacted business in this district, and have committed and/or induced acts of patent infringement in this district.

7. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Pennsylvania Long Arm Statue, due at least to its substantial business in this forum, including: (i) at least a

portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Pennsylvania and in this Judicial District.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 6,097,393**

8. Plaintiff is the owner by assignment of United States Patent No. 6,097,393 (“the ’393 Patent”) titled “Computer-Executed, Three-Dimensional Graphical Resource Management Process And System.” The ’393 Patent issued on August 1, 2000. A true and correct copy of the ’393 Patent is attached as Exhibit A.

9. Upon information and belief, Defendants directly or through intermediaries have been and are now infringing the ’393 Patent in the State of Pennsylvania, in this judicial district, and elsewhere in the United States, by, making, using, providing, supplying, distributing, selling, and/or offering for sale products and/or systems (including at least its website at <https://www.punchsoftware.com>) which contains explanations of the punch software products (Exhibit B) that practice the system for providing 3-dimensional software designs of beautiful spaces quickly and easily to layout your room, utilize editable floor plans, create your own inspired room, upload a photos, drag and drop objects such as furniture groupings, appliances, flooring, lighting, materials as covered by one or more claims of the ’393 Patent and particularly, claims 1, 4, 6, 10, 13, 14, 16, 17, 25 and 30 of the ’393 Patent; see also exemplary claim chart, Exhibit C.

10. Defendants are directly infringing, literally infringing, and/or infringing the ’393 Patent under the doctrine of equivalents. Defendants are thus liable for infringement of the ’393 Patent pursuant to 35 U.S.C. § 271.

11. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, all predecessors in interest to the '393 Patent complied with any such requirements.

12. As a result of Defendants' infringement of the '393 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

13. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '393 Patent, Plaintiff will be greatly and irreparably harmed.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed the '393 Patent;

2. A permanent injunction enjoining Defendants and their officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '393 Patent, or such other equitable relief the Court determines is just and proper;

3. A judgment and order requiring Defendants pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '393 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Muria, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED March 28, 2016.

Respectfully submitted,

By: \s\ Louis M. Heidelberg

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